

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 873**

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**Introduced by Assembly Member Jones**

February 26, 2015

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An act to amend, repeal, and add Section 9880.1 of the Business and Professions Code relating to automotive repair.

LEGISLATIVE COUNSEL’S DIGEST

AB 873, as amended, Jones. Automotive repair.

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. Existing law regulates the business of automotive repair and makes it unlawful for any person to be an automotive repair dealer unless registered with the bureau. Existing law defines an automotive repair dealer and an automotive technician as persons who, among other things, repairs motor vehicles.

Existing law defines the “repair of motor vehicles” to mean all maintenance of, and repairs to, motor vehicles, except repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor services.

Existing law defines “automotive technician” as a dealer, or a person employed by a dealer, who performs maintenance, diagnostics, repair, removal or installation of specified integral automotive components, but excluding minor services, as set forth above.

This bill would require the director to adopt regulations prior to January 1, 2017, defining “minor services” for these purposes.

This ~~bill would~~, *bill*, commencing January 1, 2017, *would* recast the definition of “repair of motor vehicles,” to delete the listing of the

various types of excluded minor services *and also would exclude roadside services, as defined*, and would similarly recast the definition of “automotive technician,” to delete these references and to delete provisions describing the specific work to be performed by an automotive technician.

This bill would ~~declare~~ *provide* that the regulations adopted by the director, prior to January 1, 2017, defining “minor services” ~~shall~~ continue in effect on and after January 1, 2017.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 9880.1 of the Business and Professions
- 2 Code is amended to read:
- 3 9880.1. The following definitions apply for the purposes of
- 4 this chapter:
- 5 (a) “Automotive repair dealer” means a person who, for
- 6 compensation, engages in the business of repairing or diagnosing
- 7 malfunctions of motor vehicles.
- 8 (b) “Chief” means the Chief of the Bureau of Automotive
- 9 Repair.
- 10 (c) “Bureau” means the Bureau of Automotive Repair.
- 11 (d) “Motor vehicle” means a passenger vehicle required to be
- 12 registered with the Department of Motor Vehicles and all
- 13 motorcycles whether or not required to be registered by the
- 14 Department of Motor Vehicles.
- 15 (e) “Repair of motor vehicles” means all maintenance of and
- 16 repairs to motor vehicles performed by an automotive repair dealer
- 17 including automotive body repair work, but excluding those repairs
- 18 made pursuant to a commercial business agreement and also
- 19 excluding repairing tires, changing tires, lubricating vehicles,
- 20 installing light bulbs, batteries, windshield wiper blades and other
- 21 minor accessories, cleaning, adjusting, and replacing spark plugs,
- 22 replacing fan belts, oil, and air filters, and other minor services,
- 23 which the director, by regulation, determines are customarily
- 24 performed by gasoline service stations.
- 25 No service shall be designated as minor, for purposes of this
- 26 section, if the director finds that performance of the service requires
- 27 mechanical expertise, has given rise to a high incidence of fraud

1 or deceptive practices, or involves a part of the vehicle essential  
2 to its safe operation.

3 (f) “Person” includes firm, partnership, association, limited  
4 liability company, or corporation.

5 (g) An “automotive technician” is an employee of an automotive  
6 repair dealer or is that dealer, if the employer or dealer repairs  
7 motor vehicles and who for salary or wage performs maintenance,  
8 diagnostics, repair, removal, or installation of any integral  
9 component parts of an engine, driveline, ~~chassis~~ *chassis*, or body  
10 of any vehicle, but excluding repairing tires, changing tires,  
11 lubricating vehicles, installing light bulbs, batteries, windshield  
12 wiper blades, and other minor accessories; cleaning, replacing fan  
13 belts, oil and air filters; and other minor services which the director,  
14 by regulation, determines are customarily performed by a gasoline  
15 service station.

16 (h) “Director” means the Director of Consumer Affairs.

17 (i) “Commercial business agreement” means an agreement,  
18 whether in writing or oral, entered into between a business or  
19 commercial enterprise and an automobile repair dealer, prior to  
20 the repair which is requested being made, which agreement  
21 contemplates a continuing business arrangement under which the  
22 automobile repair dealer is to repair any vehicle covered by the  
23 agreement, but does not mean any warranty or extended service  
24 agreement normally given by an automobile repair facility to its  
25 customers.

26 (j) “Customer” means the person presenting a motor vehicle for  
27 repair and authorizing the repairs to that motor vehicle. “Customer”  
28 shall not mean the automotive repair dealer providing the repair  
29 services or an insurer involved in a claim that includes the motor  
30 vehicle being repaired or an employee or agent or a person acting  
31 on behalf of the dealer or insurer.

32 (k) Prior to January 1, 2017, the director shall adopt  
33 comprehensive regulations defining “minor services” as used in  
34 this section.

35 (l) This section shall remain in effect only until January 1, 2017,  
36 and as of that date is repealed, unless a later enacted statute, that  
37 is enacted before January 1, 2017, deletes or extends that date.

38 SEC. 2. Section 9880.1 is added to the Business and Professions  
39 Code, to read:

1 9880.1. The following definitions apply for the purposes of  
2 this chapter:

3 (a) “Automotive repair dealer” means a person who, for  
4 compensation, engages in the business of repairing or diagnosing  
5 malfunctions of motor vehicles.

6 (b) “Chief” means the Chief of the Bureau of Automotive  
7 Repair.

8 (c) “Bureau” means the Bureau of Automotive Repair.

9 (d) “Motor vehicle” means a passenger vehicle required to be  
10 registered with the Department of Motor Vehicles and all  
11 motorcycles whether or not required to be registered by the  
12 Department of Motor Vehicles.

13 (e) “Repair of motor vehicles” means all maintenance of and  
14 repairs to motor vehicles performed by an automotive repair dealer  
15 including automotive body repair work, but excluding those repairs  
16 made pursuant to a commercial business ~~agreement and also~~  
17 ~~excluding~~ *agreement*, minor services as determined through  
18 regulations adopted by the ~~director~~ *director, and roadside services*.

19 No service shall be designated as minor, for purposes of this  
20 section, if the director finds that performance of the service requires  
21 mechanical expertise, has given rise to a high incidence of fraud  
22 or deceptive practices, or involves a part of the vehicle essential  
23 to its safe operation.

24 (f) “Person” includes firm, partnership, association, limited  
25 liability company, or corporation.

26 (g) An “automotive technician” is an employee of an automotive  
27 repair dealer or is that dealer, who for salary or wage repairs motor  
28 vehicles as set forth in subdivision (e).

29 (h) “Director” means the Director of Consumer Affairs.

30 (i) “Commercial business agreement” means an agreement,  
31 whether in writing or oral, entered into between a business or  
32 commercial enterprise and an automobile repair dealer, prior to  
33 the repair which is requested being made, which agreement  
34 contemplates a continuing business arrangement under which the  
35 automobile repair dealer is to repair any vehicle covered by the  
36 agreement, but does not mean any warranty or extended service  
37 agreement normally given by an automobile repair facility to its  
38 customers.

39 (j) “*Roadside services*” means the services performed upon a  
40 motor vehicle for the purpose of transporting the vehicle or to

1 *permit it to be operated under its own power, by or on behalf of*  
2 *a motor club holding a certificate of authority pursuant to Chapter*  
3 *2 (commencing with Section 12160) of Part 5 of Division 2 of the*  
4 *Insurance Code.*

5 ~~(j)~~

6 (k) “Customer” means the person presenting a motor vehicle  
7 for repair and authorizing the repairs to that motor vehicle.  
8 “Customer” shall not mean the automotive repair dealer providing  
9 the repair services or an insurer involved in a claim that includes  
10 the motor vehicle being repaired or an employee or agent or a  
11 person acting on behalf of the dealer or insurer.

12 ~~(k)~~

13 (l) The regulations adopted by the director, prior to January 1,  
14 2017, defining “minor services” for the purposes of this section  
15 shall continue in effect on and after January 1, 2017. The director  
16 may, thereafter, amend or repeal those regulations, as he or she  
17 deems necessary and consistent with this chapter.

18 ~~(l)~~

19 (m) This section shall become operative January 1, 2017.